

**BEFORE THE
FEDERAL MARITIME COMMISSION**

DOCKET NO. 15-11

IGOR OVCHINNIKOV, IRINA RZAEVA, and DENIS NEKIPELOV,

— vs. —

**MICHAEL HITRINOV a/k/a
MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.**

INFORMAL DOCKET NO.: 1953(I)

KAIRAT NURGAZINOV,

— vs. —

**MICHAEL HITRINOV a/k/a
MICHAEL KHITRINOV,
EMPIRE UNITED LINES CO., INC., and CARCONT, LTD.**

**COMPLAINANTS' MOTION REQUESTING RULING ON OUTSTANDING
DISCOVERY ISSUES PRIOR TO RULING ON ALL OTHER MOTIONS PENDING**

Pursuant to Rules 69 and 71 of the Federal Maritime Commission's (the "Commission") Rules of Practice and Procedure (46 C.F.R. 502 *et seq.*), Complainants, through their Counsel, Marcus A. Nussbaum, Esq. respectfully submit this Motion Requesting A Ruling On Outstanding Discovery Issues Prior To Ruling On All Other Motions Pending.

As the Presiding Officer is further aware, complainants Motion to Strike, to Preclude, and to Compel Compliance with the Presiding Officer's Orders is presently pending.

As set forth in detail in complainants' pending motion, complainants seek, *inter alia*, an Order compelling respondents to produce documents which are not only in respondents' sole

custody, control, and possession, but which also contain indicia of complainants' ownership of the automobiles at issue, thus demonstrating that complainants do indeed have standing to allege claims sounding in violations of the Shipping Act of 1984. Additionally, said documents constitute material that respondents, as an NVOCC are required to maintain pursuant to 46 C.F.R 515.33.

In light of the fact that respondents' Motion for Judgment on the Pleadings argues that complainants do not have standing in this matter, allegedly based upon a false claim that complainants were not and never were the owners of the subject vehicles, it is imperative that complainants have discovery of this material in order to better inform the Presiding Officer, and to more fully respond to respondents' dispositive motion.

Wherefore, it is respectfully requested that the Presiding Officer rule on said Motion to Strike and for other relief prior to issuing an Order on respondents' Motion for Judgment on the Pleadings, so that complainants may supplement the record with the documents now being unreasonably withheld by respondents, and that the Presiding Officer grant such other and further relief as deemed warranted under the circumstances.

Dated: September 2, 2016
Brooklyn, New York

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Marcus A. Nussbaum", written over a horizontal line.

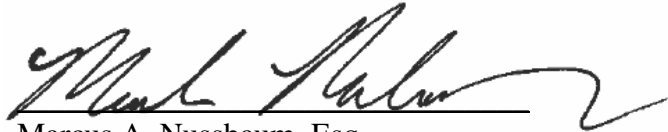
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the **COMPLAINANTS' MOTION REQUESTING RULING ON OUTSTANDING DISCOVERY ISSUES PRIOR TO RULING ON ALL OTHER MOTIONS PENDING** upon Respondents' Counsel at the following address:

Nixon Peabody LLP
Attn: Eric C. Jeffrey, Esq.
799 9th Street NW, Suite 500
Washington, DC 20001-4501

by first class mail, postage prepaid, and by email (ejeffrey@nixonpeabody.com).

A handwritten signature in black ink, appearing to read 'Marcus A. Nussbaum', is written over a horizontal line.

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Dated: September 2, 2016 in Brooklyn, New York.